

REMARKS

Claims 1-4 and 7-10 were pending.

Claims 1, 7 and 10 have been amended in order to clarify that which Applicants regard as the invention. Specifically, claims 1, 7, and 10 have been amended to recite that Product R is made by a process comprising specified steps. Support for these amendments may be found in the specification, e.g., at page 9, line 2 to page 11, line 8. In an Advisory Action of September 12, 2005, Applicants were advised that the Amendment Under 37 C.F.R. § 1.116 filed on August 22, 2005 was not entered because it allegedly raised the issue of new matter because there was no support for the ranges claimed in step (i) of claims 1, 7, and 10. Applicants respectfully submit that the previously recited ranges were due to a calculation error. Applicants have recalculated the amounts set forth in the specification with the 2.5% variation.

Claim 10 has been further amended to recite that Product R is introduced to respective groups of culture cells and to include a comparison step. Support for these amendments may be found in the specification, e.g., at page 12, lines 7-9 and page 15, line 19 to page 16, line 17.

Claim 10 has also been amended to correct grammatical and typographical errors. Specifically, step d) in claim 10 has been amended to refer to step c) instead of itself. Step b) in claim 10 has been amended to delete “a” before “concentrations”.

Applicants believe that no new matter has been added by these amendments. After entry of the present amendment, claims 1-4 and 7-10 will remain pending.

Claim Objections

Claim 10 has been objected to because step d) of the claim refers back to itself. Applicants have amended claim 10 to refer to step c), thus obviating the objection.

Claim 10 has been further objected to because of recitation of “a concentrations” in step b). Applicants have amended claim 10 to delete “a”, thus obviating the objection.

For the above reasons, Applicants respectfully request withdrawal of the claim objections.

Claim Rejections - 35 U.S.C. § 112

Claims 1-4 and 7-10 were rejected under 35 U.S.C. § 112, second paragraph,

as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

Specifically, the Examiner contends that it is unclear from the claims what is encompassed by the designation "Product R". Without admitting to the propriety of the rejection and in an effort to advance prosecution of the present application, Applicants have amended claims 1, 7 and 10 to recite specific steps by which Product R is made. Thus, Product R is the product produced by the recited steps and as such is not indefinite.

With respect to the Examiner's statement that the specification acknowledges that "little is known about the chemical nature of RETICULOSE®," Applicant notes that RETICULOSE® and Product R are distinct compositions. Thus, this statement is regarding RETICULOSE®, and not Product R.

The Examiner also contends that newly added claim 10 is indefinite due to the absence of a correlative method step that would provide a nexus between the intended purpose of the method, as expressed in the preamble of the claim, and the achievement that is accomplished with the implementation of the method steps. Without admitting to the propriety of the rejection and in an effort to advance prosecution of the present application, Applicants have amended claim 10 to include a correlative method step.

For the above reasons, Applicants respectfully request withdrawal of the rejections under 35 U.S.C. § 112, first paragraph.

CONCLUSION

Applicant respectfully requests that the amendments and remarks made herein be entered and made of record in the file history of the present application. If any issues remain in connection herewith, the Examiner is respectfully invited to telephone the undersigned to discuss the same.

Date: October 21, 2005

Respectfully submitted,


Adriane M. Antler 32,605
(Reg. No.)
JONES DAY
222 East 41st Street
New York, New York 10017
(212) 326-3939